USDA

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Department of Agriculture

Forest Service

December 2017

Midstate Substation to State Rec Road Transmission Line and Forest Plan Amendment Project

Decision Notice and Finding of No Significant Impact

Bend-Fort Rock Ranger District
Deschutes National Forest
Deschutes County, Oregon

Township 21 S, Range 11 E, Sections 8, 17, 20, 29, 32
Township 22 S, Range 11 E, Sections 5, 7, 8, 17, 18

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INTRODUCTION AND BACKGROUND

Midstate Electric Cooperative, Inc. (Midstate) submitted an application to the USDA Forest Service to amend their existing special use permit to construct, operate and maintain a new 115 kilovolt (kV) transmission line to support its existing line and power grid. Currently, Midstate has only one transmission line that was built in 1972 which supports its entire system. Another factor that demonstrates the need for a backup transmission line is that the existing transmission line has approximately a 50-year lifespan, which is almost expired. In order to perform maintenance on the existing line, it will need to be de-energized to allow Midstate to replace poles along the line. This work is easier and safer to do when power to the line is off. The proposed transmission line will take the load from the existing line to allow Midstate workers to conduct maintenance on a de-energized line.

The new transmission line will be 10.7 miles, 9.3 of which will be on the Bend – Fort Rock Ranger District of the Deschutes National Forest in Deschutes County, Oregon. The project area is located adjacent to the town of La Pine, Oregon and southeast of the community of Sunriver. The new transmission line will begin at the BPA/ La Pine Substation. The line will then go from the substation across Finley Butte Road, turn east in an existing Midstate ROW until it crosses under the BPA transmission line. Then the ROW will follow the designated corridor for approximately 9.3 miles (including crossing over two portions of private land and passing the Newberry Estates Subdivision). It will then turn west along North McKay Road (app. 1.4 miles), cross US Highway 97 onto BLM land along State Rec. Road (0.6 miles), then turn north (0.5 miles) to connect to Midstate's State Park Substation

Midstate, in cooperation with the Forest Service, developed a comprehensive proposal that provided sufficient evidence for the authorized officer to determine the feasibility of the project and its compliance with applicable laws, regulations, orders, and policies. The Forest Service reviewed the proposal to ensure that it met the requirements of the initial and second level screening criteria as specified by Title 36 of the Code of Federal Regulations (CFR), Subpart B, 251.54(e). The Forest Service has prepared an environmental analysis pursuant to the National Environmental Policy Act and has evaluated the effects of the proposed action to the human environment.

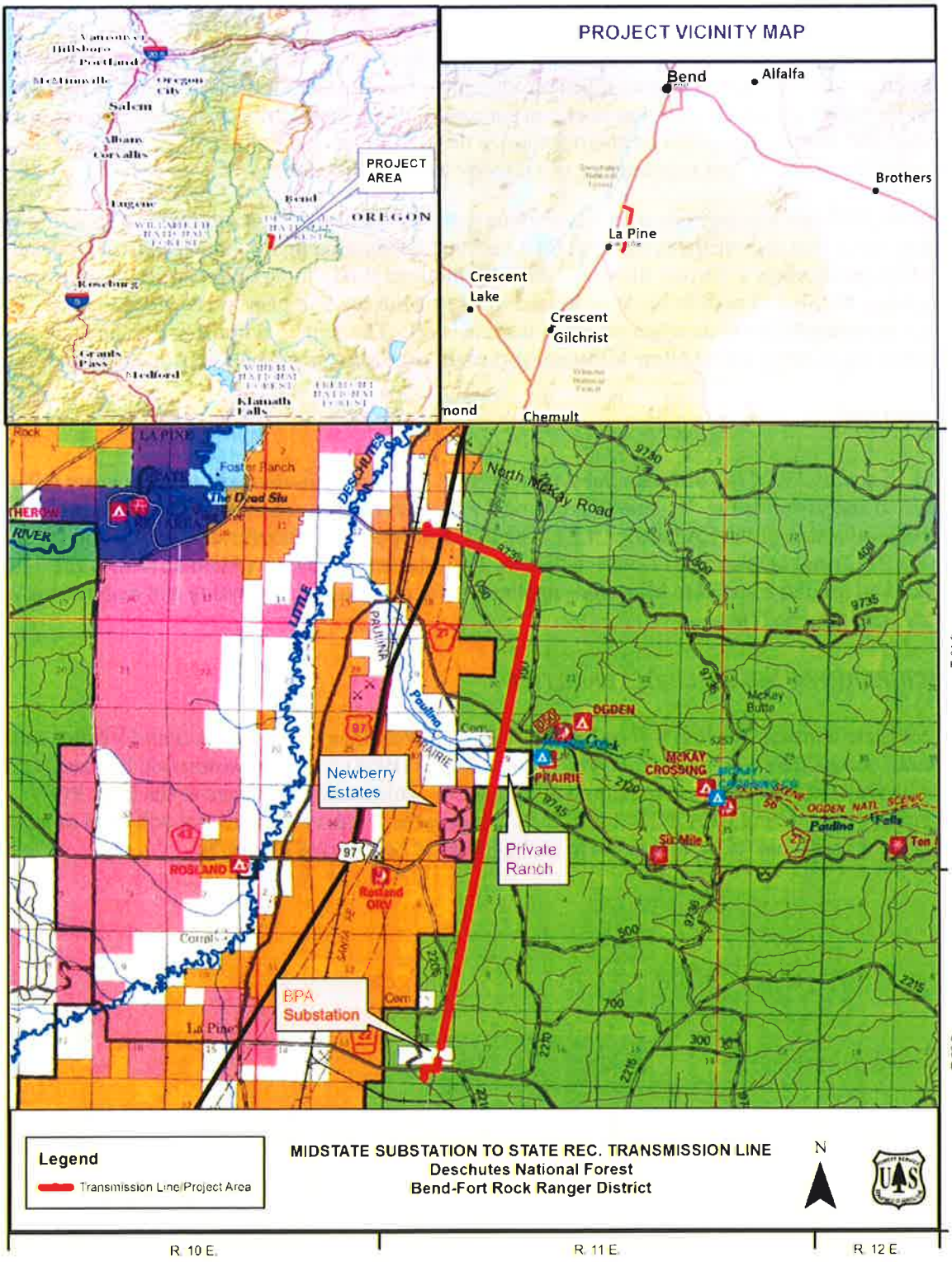

Figure 1. Midstate Project Vicinity Map

PURPOSE AND NEED

The Deschutes National Forest in accordance with Title 36 of the CFR, Part 251, Subpart B, has identified the need for action on an application submitted by Midstate for the issuance of a Special Use Permit for the proposed transmission line. The purpose of this project is to consider the request from Midstate and determine whether or not to authorize the use of National Forest System lands for the construction, operation, and maintenance of a 115 kV transmission line.

Currently, Midstate has only one transmission line that was built in 1972 which supports its entire system. Another factor that demonstrates the need for a backup transmission line is that the existing transmission line has approximately a 50-year lifespan, which is almost expired. In order to perform maintenance on the existing line, it will need to be de-energized to allow Midstate to replace poles along the line. This work is easier and safer to do when power to the line is off. The proposed transmission line will take the load from the existing line to allow Midstate workers to conduct maintenance on a de-energized line.

DECISION

Based on my review of the Midstate Substation to State Rec Road Environmental Assessment (EA) and associated analysis, it is my decision to implement Alternative 2, the action alternative, as described in the proposed action of the EA (section 1.2). The full description of Alternative 2 can be found in the EA (section 2.2.2) and below in this Decision Notice. The selected alternative (Alternative 2) addresses the purpose and need to respond to Midstate's application for constructing, operating and maintaining a new 115 kV transmission line.

DESCRIPTION OF SELECTED ALTERNATIVE

The Midstate transmission line will be located within a Forest Plan Designated Utility Corridor which is currently occupied by a Bonneville Power Administration (BPA) 230 kV transmission line and a 125 foot Right of Way (ROW). Midstate requires a 50 foot ROW which will be adjacent to the BPA ROW overlapping the existing BPA ROW by 10 feet, reducing the width of the area that will need to be cleared to 40 feet. The 40 foot ROW is referred to as the ROW or Zone 1 (see Figure 2).

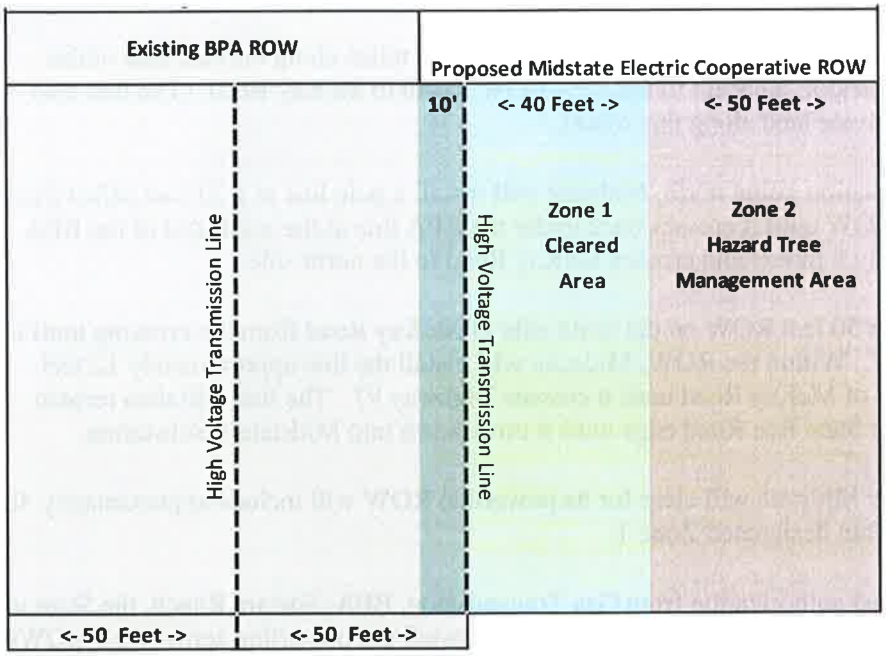

Figure 2. Representation of the existing BPA right of way, the proposed Midstate right of way and the proposed hazard tree management zone

Two additional corridors that do not parallel the BPA line will be constructed, one from the BPA Substation to Finley Butte Road and the other along North McKay Road to accommodate the new line. The ROW along Finley Butte Road will be 500 feet in length and 130 feet in length. However, a 130 foot swath of vegetation will not be cleared because the ROW includes the width of Finley Butte Road and other previously cleared areas.

Table 1. Midstate Project Area

ROW	Miles	Acres		
		Zone 1 (40 ft. Vegetation Clearing)	Zone 2 (50 ft. of Hazard Tree Mitigation)	Total Footprint
On Forest Service System Lands	9.3	46.12	56.36	102.48

This project includes the following activities and improvements:

- Midstate (this includes employees and contractors) will clear a 130 feet ROW from Midstate's facilities located in the La Pine BPA substation to Finley Butte Road. This portion of the ROW is 500 feet in length and the 130 foot ROW includes Finley Butte Road and other previously cleared areas. (Midstate will remove the existing overhead line coming out of the substation. This action was analyzed in the Midstate Electric Cooperative, INC. Finley Butte Road Project signed on 6/8/2015).

- The line will then cross Finley Butte Road to connect to an existing Midstate ROW on the north side of the road and head east until it crosses under the BPA Transmission Line.

- Midstate will clear a 40 foot ROW for approximately eight miles along the east side of the designated utility corridor, adjacent to the BPA ROW, north to McKay Road. (The line also crosses State and private land along this route).

- From the BPA Substation going north, Midstate will install a pole line at a 10-foot offset from the BPA 125 foot ROW until it crosses back under the BPA line at the north end of the BPA ROW (approximately 8 miles) and crosses McKay Road to the north side.

- Midstate will clear a 50 feet ROW on the north side of McKay Road from the crossing until it reaches Highway 97. Within the ROW, Midstate will install the line approximately 12 feet from the north edge of McKay Road until it crosses Highway 97. The line will then remain about 10 feet off the State Rec Road edge until it turns north into Midstate's Substation.

- In total, the area that Midstate will clear for its powerline ROW will include approximately 46 acres (FS lands) within designated Zone 1.

- Midstate has obtained authorization from Gas Transmission, BPA, Spectra Ranch, the State of Oregon, and Oregon Department of Transportation to install the powerline across their ROWs.

- Midstate will install 80-foot wood poles approximately every 320 feet along proposed route in Zone 1. Temporary work areas will be 50 feet around the pole locations.

- Midstate will fall hazard trees that pose an imminent threat to the new transmission line. These hazard trees will be left on the ground and not removed. This area will add an additional 50 feet to the project area and is designated as Zone 2 (Table 1. Midstate Project Area). The hazard tree zone will receive this type of maintenance in perpetuity.

  Hazard trees leaning toward the transmission line, or are dead or dying and may jeopardize the transmission line. These trees have a high probability of taking the power out during a windstorm or starting a forest fire if they fall on the line. Not all snags in this zone will be felled, only those that could hit the line. Midstate will not remove healthy trees that are not learning towards the line. The diagram in the EA (EA, Figure 7) shows what dead or unhealthy trees are considered hazards to the line.

- The Forest Service will cruise the timber and sell it to Midstate for fair market value. Midstate will then be responsible to remove the timber from the project area.

- Midstate will pile all slash to Forest Service standards (EA, section 3.4.5). Slash will be burned the following year by Forest Service crews.

Forest Plan Amendment to Eastside Screens

This project includes a Forest Plan amendment that is specific to the project area and proposed activities. The amendment addresses the Regional Forester Amendment #2 Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (referred to as the Eastside Screens). The primary purpose of Eastside Screens is to conserve those components of the landscape – old forest abundance, wildlife habitat in late and old structural

stages – in relation to larger ecosystem management to project habitat for certain species. An amendment will result in harvest of 51 live trees greater than 21 inches dbh within the 40 foot ROW also referred to as Zone 1.

The actions in this alternative will require an amendment to Eastside Screens Standard 6(d) Scenario A (2)(a): "Maintain all remnant late and old seral and/or structural live trees ≥ 21 inches dbh that currently exist within stands proposed for harvest activities." To meet the purpose and need of this project this amendment is needed for Zone 1 of the proposed line. It is not possible for Midstate to leave trees in Zone 1. There are approximately 51 trees ≥21 inches dbh, roughly 1.1 trees per acre in this zone. Midstate needs to safeguard the reliability of their transmission delivery. Keeping Zone 1 cleared allows Midstate to protect their system and minimize outages. Trees can compromise safety by arcing or sparking which can lead to fire or electrocution. Trees can also cause interruptions in electric service if adequate clearances are not maintained. Low-growing vegetation such as shrubs and brush do not compromise the line.

Stand structures found in the ROW are classified as either stem exclusion closed canopy (approximately 5%) and stand initiation (approximately 95%). Field surveys confirmed that there are no stands that could be classified as having late and old structural characteristics within the project area. (EA, sections 2.2.2, 3.4.6 and 3.4.11)

Connected Actions

Transmission Line Maintenance

Midstate will inspect the line one to two times a year, typically in the spring and fall after hunting season. During this inspection, Midstate will look at the poles, the line itself and scan for any hazards that may impede the line. Approximately every 10 years, line clearing and pole testing will take place. Line clearing entails mowing or cutting trees growing in the ROW. Pole testing can include inspecting the pole for conditions such as: cracks, holes, rot/decay, knots, unusual angles, solid conditions, and burn marks. The insulators will be replaced every 35 plus years, on an as needed basis. Pole replacements typically occur approximately every 50 years and will be coordinated with the District Special Use Permit administrator prior to replacement.

Transportation System

The current condition of the existing roads in the project area are generally in good condition. Maintenance items will consist of those necessary to sustain this road during the life of the project. This type of maintenance will consists of providing dust abatement such as water to reduce the impact of pulverization of the native material and to keep travelers in the roadway. In addition the need to spot surface in locations where the road way is being extremely impacted or becomes difficult to travel. Any material used in spot surfacing will be from a certified weed free source. The 012 road (EA section 3.4.9) will serve as the primary access route. The 012 travelway will be kept at the current width. As this project nears completion, the 012 will receive the adequate amount of post project maintenance necessary to achieve a state of "self-maintaining." Restoration of drainage and armoring of drainage structures (rolling dips, waterbars and leadouts) are critical elements to achieve the desired effect. Other associated maintenance on these road types will include limited brushing, pre and post use blade and shaping of roadway to improve drainage. The construction of new roads for the implementation, operation and maintenance are not needed for this project. Midstate is planning to use the existing BPA roads to access the line.

To support the loss of wildlife hiding cover the following roads are proposed to be decommissioned (approximately 3 miles) or closed/ changed to maintenance level 1 status (approximately 7.65 miles). The Forest Plan states "Roads will be closed through the most economical method that is effective in meeting the management objectives for the area. These include seasonal administrative closures, sign restrictions, barriers, gates, and road obliteration. The preferred method of closing roads will be by obscuring the road entrance to discourage vehicle access" (TS-8). Maintenance level 1 roads are considered to be intermittent service roads that are closed to vehicular traffic. Basic custodial maintenance is performed to keep damage to adjacent resources to an acceptable level and to perpetuate the road to facilitate future management activities (FSH 7709.59 Ch. 62.32). The roads proposed for decommissioning will be removed from the Forest Service road system. A variety of methods can be used to decommission a road including barriers, road obliteration, and other methods for discouraging vehicle access.

Table 2. Transportation Actions Connected to the Project

Road Number	Length	Operational Maintenance Level	Objective Maintenance Level	Final Recommendations
2205020	1.06	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
2205300	0.47	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
2205320	0.72	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
2205490	1.50	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
2205497	0.25	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9735052	0.64	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9735060	1.19	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9735061	0.38	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9735190	0.32	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9745109	0.45	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9745110	0.15	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9745110	0.18	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9745110	0.17	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
9745119	0.17	2- High Clearance Vehicles	2- High Clearance Vehicles	Close
2205025	0.40	2- High Clearance Vehicles	2- High Clearance Vehicles	Decommission
2205190	0.26	2- High Clearance Vehicles	2- High Clearance Vehicles	Decommission
2205189	0.19	2- High Clearance Vehicles	2- High Clearance Vehicles	Decommission
2205100	0.91	2- High Clearance Vehicles	2- High Clearance Vehicles	Decommission

Road Number	Length	Operational Maintenance Level	Objective Maintenance Level	Final Recommendations
2205100	1.23	2- High Clearance Vehicles	2- High Clearance Vehicles	Decommission
Total Miles	**10.64**			

DECISION RATIONALE

I have decided to implement Alternative 2 in this decision because of how well the alternative meets the purpose and need. This decision is based on my review of the analysis presented in the EA. In selecting Alternative 2, I carefully reviewed the environmental consequences in Chapter 3 of the EA. The analysis discloses that there will be no significant impacts to resources in and around the project area. My conclusions are based on a review of the entire project record.

RESPONDING TO THE PURPOSE AND NEED

Alternative 2, the proposed action alternative, serves the purpose and need which is to determine whether or not to authorize a special use permit be issued to Midstate for the construction, operation and maintenance of a new transmission line.

The backup transmission line will alleviate the loading on the existing transmission line and provide more reliable power to communities. Currently, Midstate has only one transmission line that was built in 1972 which supports its entire system. Any power outage along this transmission line for maintenance or from hazards, such as falling trees could disconnect all of Midstate's customers. For instance, impacts to that line from a tree-cutting incident in November 2013 and a windstorm in January 2014 knocked out power to most of the cooperative's customers for several hours.

Another upcoming factor that demonstrates the need for a backup transmission line, is that the existing transmission line has approximately a 50-year lifespan, which is almost expired. In order to perform maintenance to the existing line, it will need to be de-energized to allow Midstate to replace poles along the line; work that is easier and safer to do when power to the line is off. The proposed transmission line will be able to take the load from the existing line to allow Midstate workers to conduct the work on a de-energized line.

MITIGATION MEASURES AND PROJECT DESIGN FEATURES

Project design features and mitigation measures are incorporated into the design of all activities. The difference between the two is that project design features are considered routine, have been used on numerous similar projects, and are either incorporated into contract provisions or accomplished between appropriate resource specialists, and have proven to be effective. Mitigation measures are site-specific and are used to avoid, minimize, rectify, reduce, or compensate an impact (40 CFR 1508.20).

The following are resource protection measures incorporated into Alternative 2:

Wildlife

- ✓ In project area, restrict disturbance activities within ¼ mile of any known or newly discovered nests as shown in the table below. This condition may be waived in a particular year if nesting or reproductive success surveys reveal that the species indicated is non-nesting or that no young are present that year (LRMP Standard & Guidelines WL-3, 11, 19, 28).

SPECIES	DATES RESTRICTED
Red-tailed hawk	March1 – August 31
Northern goshawk	March 1 – August 31
Cooper's and Sharp-shinned hawks	April 15 – August 31
Williamson sapsucker	May 1 – July 20th
Chipping sparrow	April 15 - July 15th

- ✓ Outside of the powerline right-of-way corridor (Zone 1 where all trees will be removed) if a new goshawk territory is discovered in the project area, a 30 acre no treatment area around will be identified and a 400 acre post-fledging area will be delineated (Eastside Screens Interim Wildlife Standard). An evaluation of potential disturbance will be made prior to planned activities, should a nest be encountered.

- ✓ Within hazard tree zone of the powerline corridor, retain 3 to 6 logs per acre that are at least 12 inches at the large end or at least 1 slash pile per acre to mitigate loss of downed logs and recruited downed log. This can be in conjunction to existing downed wood within the Hazard Tree Zone meet the down wood guidelines (Eastside Screens Amendment Appendix B page 12; LRMP WL-63, 73).

- ✓ Trees $\geq$ 21 inches dbh deemed a hazard within the hazard tree zone (Zone 2), if safely can be done, will be topped to remove the hazard potential. If topped portion is >12 inches dbh at large end, the top may serve to meet downed wood guidelines.

- ✓ Close/decommission the following Level 2 (high clearance vehicles) roads in order to mitigate the removal of big game hiding cover:

Decommission	Close using earthen mounds, bollards or another method.
2205-025	9735-060
2205-100	9735-190
2205-189	9745-109
	9750-200
	2200-080
	2205-020
	2205-025
	2205-100
	2205-189

The erected poles will conform to APLIC guidelines to reduce the risk to birds of prey (see http://www.aplic.org/Electrocutions.php).

Invasive Plants

- ✓ To prevent unknown weed sites from being spread, Midstate and/or BPA will survey the right-of-way for weeds and treat them if located. Weed species of highest concern are spotted knapweed, dilation toadflax, mullein, Canada thistle and bull thistle. However, any weed found that occurs on the State of Oregon week list will be treated http://www.oregon.gov/ODA/shared/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf.

- ✓ To ensure weeds are not brought into the project area, Midstate will clean equipment prior to entering and after leaving National Forest System lands. Remove mud, dirt, and plant parts from project equipment before moving it into the project area and before proceeding to the next project.

Soil Quality and Erosion Control

Protecting and conserving soil resources is a crucial long-term objective when managing National Forests. At a national level, direction contained in Forest Service Manual 2550, specific to each Region, translates into specific standards and guidelines that are defined in the Land and Resource Management Plans (LRMP) of individual National Forests. Generally, these objectives are aimed at maintaining or enhancing long-term site productivity so that the inherent capability and function of soil resources to support forest or range plant communities and provide for ecosystem services (e.g., nutrient cycling or water storage) is enduring. National level policy, Region 6 guidance, and Deschutes National Forest LRMP standards and guides are summarized in the *Regulatory Framework* section of the EA. Achieving these objectives requires practices that are implemented at the project level when activities are taking place. Referred to as Best Management Practices (BMPs), these are typically standard operating procedures intended to either avoid or minimize unwanted impacts (i.e., detrimental soil disturbance). They may become even more refined at the site-level, where project design features (PDFs) are tailored to particular conditions and specific features of the local landscape. Broad-scale conservation objectives and site-level design and protection measures are intended to contain the extent and severity of detrimental soil impacts that can occur as a result of ground disturbing activities. Together these are the principle means for protecting and conserving soil resources so that long-term site productivity is assured.

Best Management Practices (BMPs)

Best Management Practices (BMPs) adapted from the National Best Management Practices for Water Quality Management of National Forest System Lands – Volume 1 (USDA Forest Service 2012) will be implemented as appropriate and are incorporated by reference. Specifically-applicable BMPs are:

- Fac-2. Facility Construction and Stormwater Control (p. 41)
- Fac-9. Pipelines, Transmission Facilities, and Rights-of-Way (p. 48)
- Road-4. Road Operations and Maintenance (p. 111)
- Road-8. Snow Removal and Storage (p. 120)
- Road-9. Parking and Staging Areas (p. 122)
- Road-10. Equipment Refueling and Servicing (p. 123)
- Veg-2. Erosion Prevention and Control (p. 131)
- Veg-4. Ground-Based Skidding and Yarding Operations (p. 134)

- Veg-6. Landings (p. 136)
- Veg-7. Winter Logging (p. 137)
- Veg-8. Mechanical Site Treatment (p. 139)

Project Design Features (PDFs)

1.	Conduct regular preventive road maintenance on all haul routes to avoid deterioration of the road surface and minimize the effects of erosion and sedimentation. Required post-haul maintenance and storm-proofing/winterizing should be accomplished as soon as possible after haul has been completed on each road segment (BMP Road-4.).	All access and haul routes.
2.	Ensure that water control structures (water bars or slash surfacing, as approved by the Sale Administrator) are installed and maintained on skid trails that have gradients of 10 percent or more or show any evidence of erosion; Ensure erosion control structures are stabilized and working effectively. (LRMP SL-1; BMP Veg-4.)	All harvest units.
3.	Avoid skidding in the bottoms of draws, swales, drainageways, or ephemeral channels. Cross perpendicular to the feature, if required (crossings will be approved by the Sale Administrator). (LRMP SL-1, SL-3, & SL-6; BMP Veg-3.).	All harvest units.
4.	Coarse woody debris greater than twelve inches in diameter already on the ground should be retained and protected to the greatest extent possible during all activities (LRMP SL-1 & SL-6).	All activity areas.
5.	Strive to maintain fine organic matter less than 3-inches in diameter (commonly referred to as the duff layer) over at least 65 percent of an activity area following both harvest and post-harvest operations. Adjust minimum amounts to reflect vegetative capabilities if the potential natural plant community on site is not capable of producing fine organic matter over 65 percent of the area (LRMP SL-1 & SL-6; Regional Soil Quality Guidelines; BMP Fire-2.).	All activity areas.
6.	Use old landings and skidding networks whenever possible (except where current resource concerns dictate otherwise). All locations for pre-existing or new yarding and transportation systems to be used for current entry must be approved by the Sale Administrator prior to logging operations (includes all skid trails, landings, and temporary roads) (LRMP SL-1 & SL-3; BMP Veg-4. And BMP Veg-6.).	All harvest units.
7.	Maintain spacing of 100 to 150 feet for all primary (main) skid trails, except where converging at landings, to minimize soil impacts. Closer spacing due to complex terrain must be approved in advance by the Sale Administrator (LRMP SL-1 & SL-3, BMP Veg-4).	All harvest units.
8.	Grapple skidders will be restricted to primary skid trails, landings, and approved roads at all times. Harvesting machinery will be permitted to leave primary skid trails at 30-foot intervals to cut and accumulate material, making no more than two passes over any piece of ground. Harvesting machinery	All harvest units.

should make only linear passes out and back, constraining pivots and turns to primary skid trails where feasible (LRMP SL-1 & SL-3, BMP Veg-4.).

9. Cease operations during periods of high soil moisture or if frozen ground or snow begins to thaw and damage to soil occurs. Some "watch-out" situations include: machine break-through begins to occur; equipment tracks sink deeply (half the width of the track) below the soil surface with one or two passes; ruts greater than six inches deep form; mid-day temperatures are forecast to rise above freezing; surface melt occurs over still-frozen subsurface (LRMP SL-1 & SL-3; BMP Veg-4. & Veg-7.). — All activity areas.

10. If needed, machine piling treatments to reduce fuel loadings or treat logging slash shall be implemented to minimize soil disturbance as follows (LRMP SL-1 and SL-3; BMP Veg-8.):

    Restrict grapple piling machinery to designated routes used for harvest operations where fuel loads are moderate or low. Where fuel loads are high, limit off-trail machine travel to no more than two passes on any piece of ground.

    Where feasible, turns and pivots should be constrained to primary skid trails to limit soil displacement. — All activity areas.

    Operators shall plan travel paths to make full use of the machine's capability (e.g., using full boom reach of machine) to limit ground disturbance and minimize number of off-trail passes needed to achieve treatment objectives.

    Where feasible, pile fuels (both hand and machine piles) on logging facilities (i.e. skid trails and landings) in order to minimize additional detrimental soil impacts from burning.

11. If needed, mastication or other mechanized understory treatments to reduce brush and noncommercial trees shall be implemented to minimize soil disturbance as follows (LRMP SL-1 and SL-3; BMP Veg-8.):

    When using a boom-mounted implement, operator shall plan off-trail travel paths to make full use of the machine's capability (e.g., using the full boom reach of the machine) to limit ground disturbance and minimize the number of off-trail passes needed to achieve treatment objectives.

    When using a machine with a front-mounted fixed masticating head, work in long, linear swaths to the extent practicable to avoid unnecessary pivoting and turning, which results in soil displacement damage. — All activity areas.

    Operator should not allow masticating heads or other implements to make contact with the soil surface, which can result in detrimental churning and mixing of the soil.

    Machines shall make no more than two passes over any piece of ground (when not on primary skid trails or landings).

    Detrimental soil impacts resulting from post-harvest understory treatments shall be isolated and infrequent (less than 5% of the unit area). Detrimental impacts include total removal of surface organics and topsoil, churning/mixing

of topsoil with subsoil, rutting greater than six inches deep, and heavy compaction.

12.	Rehabilitate all temporary roads created for the current entry. This may include masking/obliterating entrances, subsoiling, utilizing excavator bucket teeth to loosen compacted soils, recontouring cuts and fills, hydrologically stabilizing, seeding, and/or placing fine slash or other organic materials over treated surfaces to establish effective ground cover protection where available. Subsoiling of temporary roads may occur as a post-sale area improvement activity where conditions are appropriate (LRMP SL-1, SL-3, & SL-4; BMP Road-5.).	All harvest units. There is not an anticipated need for temporary roads in this project.
13.	In the event that excavated soil is not immediately replaced or disposed of (or any time a major precipitation event is forecasted), appropriate erosion control practices must be in place to prevent erosion and transport of displaced material.	All activity areas.
14.	Heavy machinery and/or other vehicles will not be operated off-road outside of the identified right-of-way, approved temporary work areas around poles, and routes needed to access temporary work areas.	All activity areas.
15.	Temporary work areas around pole locations and any temporary landings for pole storage should be scarified after work has been completed to encourage infiltration and natural revegetation. If eroding areas or concentrated surface flows are identified during or after project implementation, corrective actions will be taken to minimize erosion hazard. Corrective actions may include, but are not limited to, additional decompaction, recontouring, seeding, or mulching.	All activity areas.
16.	Corrective actions for erosion mitigation within the newly-established ROW will be the responsibility of Midstate Electric. Issues should be addressed proactively, but the Forest Service may request maintenance/corrective action if unaddressed erosion issues are discovered. Evidence of concentrated flow and/or surface erosion, including sheet or rill erosion that cover 100 square feet or more, gully erosion (eroded channels that are deeper than they are wide) of any size, large deposits of sediment on adjacent un-impacted soil sites, or damage to roads will trigger the need for corrective action. Corrective action may include, but is not limited to, installing drainage features (e.g. water bars or rolling dips) on roads, access routes, or work areas, armoring discharge areas, decompacting or scarifying impacted surfaces, applying mulch or other effective ground cover, or seeding with FS-approved seed mixes.	All activity areas.

Fuels

- ✓ Seasonal Industrial Fire Precaution Level (IFPL) restrictions apply, Midstate should call the fire information line prior to implementing project activities during fire season. Midstate would take appropriate fire prevention and suppression measures in conjunction with its operations and maintenance of the ROW. If possible, avoid maintenance of Zone 1 and 2 outside IFPL levels of 2, 3, and 4 unless emergency maintenance is warranted. If emergency maintenance is needed during IFPL levels of 2, 3, or 4 then Midstate would need to obtain a fire waiver.

- ✓ Pile construction in Zone 1 and 2, if possible, would follow the following specifications:

  - Construct hand piles 5 feet or more in height and no less than 4 feet high. Length and width would vary slightly depending on available space. Generally, a well-made pine pile would be 6 feet long, 5 feet wide, and 6 feet tall.
  - Long material can be placed on piles and be trimmed with a saw.
  - Piles should be compact with slash arranged parallel.
  - Material in piles should generally be less than 12 inch in diameter.
  - Do not pile logs greater than 12 inches in diameter that are longer than 6 feet. Also, do not pile logs that are mostly rotten. This material should be left within the unit for wildlife.
  - Do not place piles directly under power lines or directly on buried gas lines.
  - Place piles at least 4 feet from logs and stumps and avoid placing them on rock outcroppings.
  - Avoid constructing hand piles within 15 feet of ponderosa pines less than 10 inches in diameter and within 8 feet of all lodgepole pines. This distance may need to be increased for larger piles.
  - If working near private land, try to locate piles as far as possible from buildings and property boundaries.
  - Do not place rocks on piles to weight them down. They can become a safety hazard when cutting and burning piles.
  - Do not place propane tanks, aerosol cans, cartridges, tires, flammables, explosives, or trash of any kind in any of the piles. All personal garbage should be packed out.
  - Some units would require piles to be covered with plastic. Check with Fuels Specialists for specifics.

- ✓ Midstate would notify the District Fuels Specialist of location, size, species, and number of piles once project is complete and during maintenance phase.

- ✓ The following design criteria are specific to Zone 1:

  - Avoid constructing landing piles within 50 feet of power poles and within 30 feet of any conifer trees greater than 12 inches diameter at breast height (dbh) and 10 feet tall. Attempt to locate landing piles on east side of ROW to decrease risk of burning existing BPA transmission line. Landing piles in Zone 1 would be burned prior to Midstate installing the transmission line. The Bend-Fort Rock Timber Sales Administrator would direct specific landing pile locations.
  - Landing piles should consist of a mixture of fine and heavy fuels. Whole piles of chips are not preferred. If a root wad needs to be removed during construction of the line, Midstate would work with the Bend-Fort Rock Fuels Specialists for disposal.
  - Landing pile size should be approximately 30 feet by 30 feet by 30 feet in size and the Bend-Fort Rock Fuels Specialists would be responsible for burning landing piles.

- ✓ Fuels Specialists would adhere to the Clean Air Act (CAA) National Ambient Air Quality Standards (NAAQS) and coordinate with Oregon Department of Forestry Smoke Management as per USFS policy when burning piles.

- ✓ Midstate shall manage the ROW to ensure brush and conifer ingrowth remains less than 2 feet in height. Any debris falling into Zone 1 from Zone 2 would be managed onsite.

- ✓ The following design criteria are specific to Zone 2:

  - Midstate would be responsible for conducting regular surveys of Zone 2 to ensure no imminent threat to the transmission line exists. Felling of hazard trees would be the responsibility of Midstate. Midstate would notify the Bend-Fort Rock Special Use Administrator when hazard

trees are felled with approximate location and if slash was lopped and scattered or piled. If hand piles are constructed, pile specs should be adhered as described above. Course woody debris would be maintained per LRMP standards.

Scenery and Visual Quality

- ✓ Locate landings, skid trails, slash piles or staging areas using existing openings and skid trails and minimize bole damage to remaining vegetation along scenic travel corridors and access to developed recreation sites (FSR 21 and Finley Butte Road). Flush cut stumps (6 inches or less with angle cut away from line of sight) in Immediate Foreground areas (0 to 300 feet).
- ✓ Minimize amount of leave-tree markings and black out tagging units with vertical orange paint on both side of trees along scenic travel corridors and access to developed recreation sites after sales close.
- ✓ Placement of fallen trees shall be parallel along scenic travel corridors with exposed bole not facing the road.
- ✓ Clean-up activities in Scenic Views High Scenic Integrity Level – SMS (Retention – VMS) treatment areas including landings, skid trails, slash piles or staging and removal of flagging and unit boundary tags and other markings will not be visible to the casual Forest visitor one year after the work has been completed.
- ✓ Clean-up activities in Scenic Views Moderate Scenic Integrity Level – SMS (Partial Retention – VMS) treatment areas including landings, skid trails, slash piles or staging and removal of flagging and unit boundary tags and other markings will not be visible to the casual Forest visitor one year after the work has been completed.

Cultural Resources

- ✓ All burn piles will be placed outside of cultural site boundaries
- ✓ There will be no removal of tree stumps within cultural site boundaries.
- ✓ If the locations of poles identified as of October of 2016 (when the heritage fieldwork was completed) is changed, additional cultural resource mitigation will need to be conducted prior to implementation.
- ✓ Should unanticipated cultural resources be encountered during project activities, all ground disturbance near the findings will cease and the Forest Service will be notified immediately. An archaeologist meeting the Secretary of Interior's guidelines for a professional archaeologist will evaluate the findings and consultation with SHPO will occur per 36 CFR 800.13(b).
- ✓ Avoidance measures will be implemented in sites 35DS412 and 35DS1670.
- ✓ Proposed road closures will be coordinated with heritage to avoid impacting historic properties.
- ✓ Hazardous trees in Zone 2 will be hand felled and left in place.

OTHER ALTERNATIVES CONSIDERED

In addition to the selected alternative, one other alternative was considered in the environmental assessment. Four alternatives were considered but eliminated from detailed study because they were outside of the scope of the project, did not meet the purpose and need, will not be consistent with laws, policies, or Forest Plan direction, or were not feasible to implement. The alternative described below was developed and analyzed based on the purpose and need of the project and public feedback on the Midstate Substation to State Rec Road Transmission Line and Forest Plan Amendment.

Alternative 1 – No Action

The interpretation of this no action alternative is that the proposed action would not take place. Under this alternative, the Forest Service would not issue a special use permit to Midstate for the construction of a backup transmission line therefore the line would not be constructed. This alternative serves as a baseline from which the interdisciplinary team can evaluate the proposed action.

Alternatives Considered But Eliminated from Detailed Study

Midstate and the Forest Service looked at 3 other corridors as possible routes for the new transmission line: TransCanada gas pipeline corridor, US highway 97 and the BNSF Railroad ROW all of which cross BLM and USFS lands. The proposed route (BPA Corridor) is the shortest most direct route between the two substations helping to keep construction and maintenance costs down while adhering to the Forest Plan for locating new utility lines. Midstate and BPA maintain like facilities so they can coexist in adjacent right-of-ways without any issues. The other routes considered had issues that deemed them as unsuitable.

PUBLIC INVOLVEMENT

The Midstate Substation to State Rec Road Transmission Line project was first published to the Deschutes and Ochoco National Forest project webpage on April 17, 2015 at: http://www.fs.usda.gov/project/?project=46803.

This project was first published in the Deschutes National Forest Schedule of Proposed Actions (SOPA), a quarterly publication, in July 2015 and has appeared in each quarterly SOPA since then. This is a quarterly report that is distributed to interested individuals, organizations, and agencies Forest-wide. The SOPA is automatically updated and available on the Deschutes and Ochoco National Forest webpage at: http://www.fs.fed.us/sopa/forest-level.php?110601.

A detailed description of the proposed action was mailed on November 15, 2015, to approximately 380 forest users and concerned publics, soliciting comments and concerns related to this project. This letter was also mailed to the Burns Paiute Tribe, The Klamath Tribe, and the Confederated Tribes of the Warm Springs. Coordination and consultation with the tribes is ongoing. Three responses were received, which were considered and evaluated. Discussion of public comments can be found in the EA (section 1.7). This letter was also mailed to the Burns Paiute Tribe, The Klamath Tribe, and the Confederated Tribes of the Warm Springs. Coordination and consultation with the tribes is ongoing.

On August 29, 2017 a legal notice in *The Bulletin* (the newspaper of record) initiating the 30-day comment period was published. The draft EA and a letter was emailed to approximately 380 interested parties on the District mailing list on August 28, 2017. Comments were accepted until September 28, 2017. During the comment period, the Forest received 1 comment. The comment has been responded to

in Appendix A of the final EA. All comments submitted during this planning process have been considered.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the EA and associated documents and believe there is adequate information within the project record to provide a reasoned choice of action. Implementing the selected alternative with the specified management requirements, constraints, and mitigations measures will cause no unacceptable cumulative impacts to any resource.

After reviewing the environmental effects described in the EA (Chapter 3), I have determined that these actions will not have a significant effect on the quality of the human environment; therefore an environmental impact statement is not needed. Determining significance requires the consideration of both the context and intensity of impacts (40 CFR 1508.27). I base my finding on the following assessments.

CONTEXT

The decision to implement the proposed action is consistent with similar activities that lead toward achieving the goals, objectives and requirements identified in the Deschutes National Forest Land and Resource Management Plan (LRMP) and specifically for the management areas within the project area. The project is limited in scope and duration. The project area is contained with 102.48 acres of National Forest System Lands within the Deschutes National Forest. The project has been designed to minimize environmental effects through project design criteria and mitigation measures as outlined in the EA (section 2.3). I find that the contextual effects of this project at the local, district and forest level for both the short and long term are not significant.

INTENSITY

The following factors were considered to evaluate the intensity of the effects of the project:

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effects will be beneficial.

Effects on resources are discussed in Chapter 3 of the EA (Section 3.4). These adverse and beneficial impacts are within the range determined in the Forest Plan to be acceptable and will not have significant impacts on resources identified and described in Chapter 3 of the EA. The selected alternative provides the best combination of physical, biological, social and economic benefits.

2. The degree to which the proposed action affects public health and safety.

There will be no significant effects on public health and safety as addressed in the EA (section 3.5.6). The effects of this project are well known, there will be no unusual or unknown effects of implementing this project. Project activities are located in an existing ROW. Safety mitigations will be followed to minimize risk during project activities.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no significant impacts on unique characteristics of geographic areas listed above because these areas do not exist within the project area. These areas are discussed in sections 1.4, section 3.4.10, and section 3.5 of the EA.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Based on the input from scoping and comments received during the 30-day public comment period the effects on the quality of human environment are not likely to be highly controversial. Several non-key issues were raised during scoping. These are addressed in section 1.7.1 of the EA. Only one public comment was received during the 30-day comment period and is addressed in the EA (sections 3.5.6 through 3.5.10, Appendix A). There is no controversial science or data related to effects of this project.

5. The degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks associated with this project. Midstate has considerable experience implementing this types of project. They have implemented similar activities such as installing transmission line, clearing trees and maintaining roads on this Forest and on other lands. The EA effectively addresses and analyzes issues and environmental impacts associated with the project (EA, Chapter 3 specifically, sections 3.4 and 3.5).

6. The degree to which the action may establish a precedent for future actions with significant effects to represent a decision in principle about a future consideration.

This action is not likely to establish a precedent for future actions that may be implemented to meet the goals and objectives of the Deschutes National Forest Land and Resource Management Plan (EA, section 1.5 and resource reports). This project constructs, operates and maintains a transmission line adjacent to an existing ROW where a BPA transmission line is located. Additionally, there are multiple other locations on the Forest where transmission lines are located, operated and maintained. Through analysis provided in the EA, it has been determined that this project has no significant effects (EA section 3.4, section 3.5 and section 3.5.11).

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

There are no known significant adverse, cumulative, or secondary effects between this project and other projects (completed, active, or planned). Effects to the basic resource values of soil, water, vegetation, air, or fish and wildlife are estimated and determined to be localized, limited, or small in scale (EA Chapter 3). This determination is based on the results of cumulative effects analyses discussed in the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.

Based on the cultural resource inventory there are no know cultural or historical resources affected by this project (EA, sections 3.4.10, 3.5.1 and 3.5.2). For the State Historic Preservation Officer (SHPO) inventory report, a determination was made of "historic properties avoided" Project design criteria

provides guidance for protection of any newly discovered unknown sites. Avoidance of these areas will provide protection to the fullest extent possible (EA, section 2.3).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.

The biological evaluation for proposed, endangered, threatened or sensitive plant species determines that this project will have no impact on these species. No habitat for proposed, endangered, threatened or sensitive species exists in the project area (EA, sections 3.4.1, Botany Report located in the Project Record).

A biological evaluation for wildlife proposed, endangered, threatened or sensitive species indicates that this project will have no effect on any of those species (EA section 3.4.1, Wildlife Report located in the Project Record).

There are no ephemeral, intermittent, or perennial streams, springs, seeps, riparian areas, wetlands, or floodplains that are directly or indirectly connected to the project area; therefore, this project will have no impact on listed fish species (EA, section 3.4.8, Fisheries Report located in the Project Record).

10. Whether the action threatens a violation of the Federal, State, or local law requirements imposed for the protection of the environment.

The actions described for this project in the EA do not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. Applicable laws and regulations were considered in the EA (EA, section 1.8 and 3.5) and this project is consistent with the Deschutes National Forest Land and Resource Management Plan (EA, section 1.5).

CONCLUSION

This decision is made with consideration of past, present and reasonably foreseeable future actions on National Forest lands and other ownerships within potentially affected areas which could have a cumulatively significant effect on the quality of the human or natural environment. I have determined the proposed action will not have significant impacts as considered by context and intensity of effects (40 CFR 1508.27), therefore an environmental impact state will not be prepared for this project.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The project was designed in conformance with the 1990 Deschutes National Forest Land and Resource Management plan standards and incorporates appropriate guidelines for the Management Areas, MA8 General Forest and MA 9 Scenic Views where activities will occur implementing this decision (EA, section 1.5.1).

In reviewing the EA and actions associated with Alternative 2, I have concluded that my decision is consistent with the following laws and requirements. Section 1.10 and Section 3.5 of the also discloses the effect of the alternative on the human environment as specified by law, regulation, policy or executive orders that is not covered by the following.

The National Environmental Policy Act (NEPA)

NEPA establishes the format and content requirements of environmental analysis and documentation as well as requirements for public involvement and disclosure. The entire process of preparing this environmental assessment was undertaken to comply with NEPA (EA section 1.8).

The National Forest Management Act (NFMA)

I find this decision to be consistent with the long term management objectives as discussed in the Deschutes National Forest Plan as amended. All other Forest Plan direction, including from the Northwest Forest Plan, the Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan, Inland Native Fish Strategy, and Regional Forester's Forest Plan Amendment #2 (Eastside Screens) has been adhered to and incorporated into the project's design (EA section 1.5.1 and section 2.3).

I find the selected alternative to be consistent with the requirements of the National Forest Management Act and in compliance with the Forest Plan as amended; specifically under Alternative 2 (EA, section 1.5.2 and section 2.2.2).

Executive Order Improving Performance of Federal Permitting and review of infrastructure projects

This order (signed March 22, 2012) requires Federal agencies to take all steps within their authority, consistent with available resources, to execute Federal permitting and review processes with maximum efficiency and effectiveness, ensuring the health, safety, and security of communities and the environment while supporting vital economic growth. Midstate and the Forest Service worked together to determine the most suitable location for the new transmission line resulting in the proposed action.

The Energy Policy Act of 2005

Section 368(c) of the Energy Policy Act of 2005 provides that the Forest Service have an ongoing responsibility to establish procedures for identifying and designating additional energy transmission corridors on federal lands and to expedite applications for electric transmission and distribution facilities within those corridors. Cooperate and coordinate with other federal agencies to optimize siting of rights-of-way for energy transmission corridors (30 U.S.C. 185(p); 43 U.S.C. 1763), and endeavor to expedite applications for electric transmission and distribution facilities on National Forest System lands through coordination with other affected federal agencies (FSM 2703.2). The Forest Service and Midstate worked together to determine the most suitable location for the new transmission line resulting in the proposed action. Other corridors were identified but eliminated from consideration (EA, section 2.4).

The Preservation of American Antiquities Act of June 1906 and the National Historic Preservation Act: The Oregon State Historic Preservation Officer (SHPO)

A cultural resource inventory has been completed for the project area. For the State Historic Preservation Officer (SHPO) inventory report, a determination was made of "No Historic Properties Affected". The Deschutes National Forest completed the "Project Review for Heritage Resources under the Terms of the 2004 Programmatic Agreement" with the Oregon State Historic Preservation Officer (SHPO). The report was then forwarded to SHPO on June 19, 2017 for their information (EA section 3.4.10). The activities in the selected alternative with mitigation measures as described in the EA

(section 2.3) the project will result in no adverse effects to historic properties (EA, section 3.4.10). The project is compliant with the SHPO regulations.

The Endangered Species Act of 1973, as amended

Biological Evaluations were prepared to document the possible effects of the proposed activities to threatened and endangered species within the project area. The selected alternative will have no impact on proposed, endangered, threatened or sensitive plant species (EA, 3.3.2, Botany Report located in the project record). There will be no effect on federally listed species gray wolf, Northern spotted owl, North American wolverine, Oregon spotted frog, or their critical habitat within the project area (EA, section 3.4.1). The project will have no impact on Region 6 sensitive species Townsend's big-eared bat, fringed myotis, bald eagles (EA section 3.4.1). The project may adversely impact individuals, but not likely to contribute to a trend toward a federal listing or loss of viability to the population or species for the following Region 6 sensitive species Lewis' woodpecker and white-headed woodpecker. The project may impact individuals or habitat, but would not likely contribute to a trend toward federal listing for the western bumblebee. (EA section 3.4.1). There will be no effect on listed fish species, fish habitat or Region 6 Sensitive species (EA section 3.4.8).

The Clean Air Act

The selected alternative will comply with the Clean Air Act. The Act prescribes air quality to be regulated by each individual state. There are no smoke generating activities.

Civil Rights and Environmental Justice

Executive Order 12898 on environmental justice requires federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low income populations. The analysis focuses on potential effects from the project to minority populations, disabled persons, and low-income groups.

The project, given the size of potential social and economic effects, are not likely to result in civil rights impacts to Forest Service employees or customers of its program (EA 3.5.14). I have determined that there will be no discernible impacts from any of the alternatives on Native Americans, women, other minorities, or the Civil Rights of any American citizen.

PREDECISIONAL ADMINISTRATIVE REVIEW PROCESS

This project was subject to predecisional administrative review pursuant to 36 CFR 218, Subpart B. Also called the "objection process" the predecisional review process replaced the appeal process (36 CFR 215) in March 2013. The primary difference with the objection process is that a person may object to a project prior to the final decision, whereas under the appeal process, appeals were made after the decision. The full text of the rule can be found here:
http://federal.eregulations.us/cfr/title/5/28/2013/title36/chapterII/part218.

A draft Decision Notice and Finding of No Significant Impacts (FONSI) was distributed and a legal notice was published in the Bend Bulletin (newspaper of record) on October 25, 2017 in accordance with 36 CFR 218.7 providing a 45-day period for objections prior to making a final decision. No objections were filed during this period.

IMPLEMENTATION

Implementation of this project is expected to begin in the spring of 2018. However, because no objections were filed, implementation may begin immediately following the date of the final decision.

CONTACT AND ADDITIONAL INFORMATION

The Midstate Substation to State Park Transmission Line and Forest Plan Amendment project record is on file at the Bend-Fort Rock Ranger District office at 63095 Deschutes Market Road, Bend, Oregon 97701. The EA and decision are also available on the Deschutes and Ochoco National Forest webpage at https://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=46803

For additional information concerning the specific activities authorized with this decision, you may contact Cristina Peterson, at the Bend-Fort Rock Ranger District, 63095 Deschutes Market Road, Bend, Oregon 97701, or by telephone (541) 383-4028.

RESPONSIBLE OFFICIAL

The Forest Supervisor of the Deschutes National Forest is the official responsible for deciding the type and extent of management activities in the project area.

12/19/17

JOHN P. ALLEN
Forest Supervisor
Deschutes National Forest

Date